

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 1383 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
2. To be referred to the Reporter or not? : NO
3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
5. Whether it is to be circulated to the Civil Judge? : NO

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JADAV NATVERBHAI J

Versus

STATE OF GUJARAT

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Appearance:

MR JJ YAJNIK for Petitioners

MR SK PATEL for Respondent No. 1

None present for other Respondents

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CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 15/10/1999

ORAL JUDGEMENT

Heard the learned counsel for the petitioners.

2. In the project which was started with the financial aid of the Central Government, after inviting applications, the petitioner was given the appointment on temporary basis for fixed term. It is not necessary to give out the detailed facts of the project, the nature of

the services to be rendered in the project and further ancillary relevant facts of the project.

3. The appointment of the petitioner was subject to the condition that it was coterminous with the project and it can be brought to an end even without notice. The services of the petitioner automatically came to an end by efflux of time for which otherwise also notice was not required to be given nor an order of termination was required to be passed. Reference in this respect may have to the Division Bench decision of this court in the case of Bhanmati Tapubhai Muliya vs. State of Gujarat reported in 1995 (2) GLH 228. Fruitfully here reference may have to the decision of the Apex Court in the case of M.P. H.S.V.N. vs. Devendra Kumar reported in JT 1995 (1) SC 198.

4. Looking to the nature of the appointment of the petitioner, it does not confer any right of permanency and as such no relief as prayed for can be granted to the petitioner. On being asked by the court, learned counsel for the petitioner fairly submitted that he is not in a position to state whether the project still continues and the persons who were appointed along with the petitioner in the project are continued in service or not. He further states that he is not in a position to state whether on closure of the project the employees who were working therein have been absorbed elsewhere either by the State government or by the District Panchayat.

5. Taking into consideration the totality of the facts of this case, I do not find that any of the legal or fundamental rights of the petitioner are being infringed which calls for the interference of this court under Article 226 of the Constitution.

6. In the result, this special civil application fails and the same is dismissed. Rule discharged. Interim relief, if any, granted by this Court stands vacated. No order as to costs.

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zgs/-